

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MATTHEW GRAB,

Plaintiff,

v.

COLUMBIA BOROUGH d/b/a
COLUMBIA POLICE DEPARTMENT;
SCOTT LAPP, in his individual capacity
as a Parole Agent with Pennsylvania Board
of Probation & Parole; BRENT KEYSER,
in his official & individual capacity as an
Officer with Columbia Police Department;
and JAMES JACOBS, in his official &
individual capacity as a Sergeant with
Columbia Police Department,

Defendants.

CIVIL ACTION NO. 20-1815

ORDER

AND NOW, this 10th day of January, 2022, after considering the defendant's motion for summary judgment (Doc. No. 51), the plaintiff's response in opposition to the motion (Doc. No. 59), and the defendant's reply in support (Doc. No. 60); and for the reasons set forth in the separately-filed memorandum opinion, it is hereby **ORDERED** as follows:

1. The defendant's motion for summary judgment (Doc. No. 51) is **GRANTED** as to the excessive force claims against the defendant in count I of the plaintiff's amended complaint, and judgment is **ENTERED** in favor of the defendant and against the plaintiff on count I of the amended complaint;

2. The plaintiff's claims for the refusal to provide immediate medical care in violation of the 8th Amendment and the *Monell* claim pursuant to 42 U.S.C. § 1983, contained in counts II and III of the amended complaint, are **DISMISSED WITH PREJUDICE**,¹

3. The plaintiff's state law claims for assault and battery against the defendant in count IV of the amended complaint are **DISMISSED WITHOUT PREJUDICE**; and

4. The clerk of court shall mark this case as **CLOSED**.

BY THE COURT:

/s/ Edward G. Smith
EDWARD G. SMITH, J.

¹ The plaintiff withdrew both claims in his response in opposition to the defendant's motion for summary judgment. See Doc. No. 59-1 at 10.